

ASSEMBLY, No. 363

STATE OF NEW JERSEY

Introduced Pending Technical Review by Legislative Counsel

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen **HOLZAPFEL** and **WOLFE**

1 AN ACT concerning probation, amending N.J.S.2C:45-1,  
2 supplementing Title 2C of the New Jersey Statutes and making an  
3 appropriation.

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5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

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8 1. N.J.S.2C:45-1 is amended to read as follows:

9 2C:45-1. Conditions of Suspension or Probation.

10 a. When the court suspends the imposition of sentence on a person  
11 who has been convicted of an offense or sentences him to be placed on  
12 probation, it shall attach such reasonable conditions, authorized by this  
13 section, as it deems necessary to insure that he will lead a law-abiding  
14 life or is likely to assist him to do so. These conditions may be set  
15 forth in a set of standardized conditions promulgated by the county  
16 probation department and approved by the court.

17 b. The court, as a condition of its order, may require the defendant:

18 (1) To support his dependents and meet his family responsibilities;

19 (2) To find and continue in gainful employment;

20 (3) To undergo available medical or psychiatric treatment and to  
21 enter and remain in a specified institution, when required for that  
22 purpose;

23 (4) To pursue a prescribed secular course of study or vocational  
24 training;

25 (5) To attend or reside in a facility established for the instruction,  
26 recreation or residence of persons on probation;

27 (6) To refrain from frequenting unlawful or disreputable places or  
28 consorting with disreputable persons;

29 (7) Not to have in his possession any firearm or other dangerous  
30 weapon unless granted written permission;

31 (8) (Deleted by amendment, P.L.1991, c.329);

32 (9) To remain within the jurisdiction of the court and to notify the

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 court or the probation officer of any change in his address or his  
2 employment;

3 (10) To report as directed to the court or the probation officer, to  
4 permit the officer to visit his home, and to answer all reasonable  
5 inquiries by the probation officer;

6 (11) To pay a fine;

7 (12) To satisfy any other conditions reasonably related to the  
8 rehabilitation of the defendant and not unduly restrictive of his liberty  
9 or incompatible with his freedom of conscience;

10 (13) To require the performance of community-related service.

11 c. The court, as a condition of its order, shall require the defendant  
12 to pay any assessments required by section 2 of P.L.1979, c.396  
13 (C.2C:43-3.1) and shall, consistent with the applicable provisions of  
14 N.J.S.2C:43-3, N.J.S.2C:43-4 and N.J.S.2C:44-2 or section 1 of  
15 P.L.1983, c.411 (C.2C:43-2.1) require the defendant to make  
16 restitution.

17 d. In addition to any condition imposed pursuant to subsection b.  
18 or c., the court shall order a person placed on probation to pay a fee,  
19 not exceeding \$25.00 per month for the probationary term, to  
20 probation services for use by the State, except as provided in  
21 subsection g. of this section. This fee may be waived in cases of  
22 indigency upon application by the chief probation officer to the  
23 sentencing court.

24 e. When the court sentences a person who has been convicted of  
25 a crime to be placed on probation, it may require him to serve a term  
26 of imprisonment not exceeding 364 days as an additional condition of  
27 its order. When the court sentences a person convicted of a disorderly  
28 persons offense to be placed on probation, it may require him to serve  
29 a term of imprisonment not exceeding 90 days as an additional  
30 condition of its order. In imposing a term of imprisonment pursuant  
31 to this subsection, the sentencing court shall specifically place on the  
32 record the reasons which justify the sentence imposed. The term of  
33 imprisonment imposed hereunder shall be treated as part of the  
34 sentence, and in the event of a sentence of imprisonment upon the  
35 revocation of probation, the term of imprisonment served hereunder  
36 shall be credited toward service of such subsequent sentence. A term  
37 of imprisonment imposed under this section shall be governed by the  
38 "Parole Act of 1979," P.L.1979, c.441 (C.30:4-123.45 et al.).

39 Whenever a person is serving a term of parole as a result of a  
40 sentence of incarceration imposed as a condition of probation,  
41 supervision over that person shall be maintained pursuant to the  
42 provisions of the law governing parole. Upon termination of the  
43 period of parole supervision provided by law, the county probation  
44 department shall assume responsibility for supervision of the person  
45 under sentence of probation. Nothing contained in this section shall  
46 prevent the sentencing court from at any time proceeding under the

1 provisions of this chapter against any person for a violation of  
2 probation.

3 f. The defendant shall be given a copy of the terms of his probation  
4 or suspension of sentence and any requirements imposed pursuant to  
5 this section, stated with sufficient specificity to enable him to guide  
6 himself accordingly. The defendant shall acknowledge, in writing, his  
7 receipt of these documents and his consent to their terms.

8 g. Of the moneys collected under the provisions of subsection d.  
9 of this section, \$15.00 of each monthly fee collected before January 1,  
10 1995 shall be deposited in the temporary reserve fund created by  
11 section 25 of P.L.1993, c.275, and \$10.00 of each shall be deposited  
12 into a "Community Service Supervision Fund" which shall be  
13 established by each county. The moneys in the "Community Service  
14 Supervision Fund" shall be expended only in accordance with the  
15 provisions of State law as shall be enacted to provide for expenditures  
16 from this fund for the purpose of supervising and monitoring  
17 probationers performing community service to ensure, by whatever  
18 means necessary and appropriate, that probationers are performing the  
19 community service ordered by the court and that the performance is in  
20 the manner and under the terms ordered by the court.

21 h. The court, as a condition of probation or suspension of sentence,  
22 shall require a defendant convicted of an offense who in committing  
23 the offense acted, at least in part, with ill will, hatred or bias toward,  
24 and with a purpose to intimidate, an individual or group of individuals  
25 because of race, color, religion, sexual orientation or ethnicity to  
26 attend a cultural diversity and racial sensitivity program established  
27 pursuant to section 2 of P.L. c. (C. )(now pending before the  
28 Legislature as section 2 of this bill).

29 (cf: P.L.1993, c.275, s.16)

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31 2. (New section) The Administrative Office of the Courts shall  
32 develop and administer a cultural diversity and racial sensitivity  
33 program.

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35 3. There is appropriated from the General Fund \$90,000.00 to the  
36 Administrative Office of the Courts to effectuate the purposes of this  
37 act.

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39 4. This act shall take effect immediately.

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#### STATEMENT

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44 This bill would provide, as a condition of probation or suspension  
45 of sentence, that a defendant convicted of an offense which was  
46 committed, at least in part, with ill will, hatred or bias toward, and

1 with a purpose to intimidate, an individual or group of individuals  
2 because of race, color, religion, sexual orientation or ethnicity be  
3 required to attend a cultural diversity and racial sensitivity program.

4 The bill would appropriate \$90,000.00 to the Administrative Office  
5 of the Courts to develop a cultural diversity and racial sensitivity  
6 program.

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11 Requires certain defendants to attend a cultural diversity and racial  
12 sensitivity program; making an appropriation.